

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KATHLEEN STEPHENS, et al.,	:	
	:	
Plaintiffs,	:	
	:	18-cv-07439-RJD-CLP
v.	:	
	:	
HSBC HOLDINGS PLC, et al.,	:	
	:	
Defendants.	:	
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STIPULATION AND [PROPOSED] ORDER

The Moving Defendants,¹ through their counsel, and Plaintiffs, through their counsel, hereby stipulate and agree as follows:

WHEREAS plaintiffs filed a Complaint against the Moving Defendants in matter 14 Civ. 06601 (DLI-CLP) ("*Freeman*") on November 10, 2014;

WHEREAS the Court entered an order staying discovery in *Freeman* on January 16, 2015, ECF No. 37;

WHEREAS the Moving Defendants filed a motion to dismiss the Complaint in *Freeman* on November 10, 2016, ECF No. 120 (the "Motion to Dismiss");

WHEREAS the Hon. Cheryl L. Pollak, United States Magistrate Judge, issued a Report and Recommendation on July 27, 2018, ECF No. 165 (the "R&R");

¹ The Moving Defendants are HSBC Holdings plc; HSBC Bank plc; HSBC Bank Middle East Limited; HSBC Bank USA, N.A.; Barclays Bank PLC; Standard Chartered Bank; Royal Bank of Scotland N.V. (f/k/a ABN AMRO Bank N.V.); Credit Suisse AG; and Commerzbank AG.

WHEREAS the Moving Defendants filed objections to the R&R in *Freeman* on August 31, 2018, ECF No. 174;

WHEREAS Plaintiffs filed a Complaint against the Moving Defendants in the above-captioned matter (“*Stephens*”) on December 28, 2018; and

WHEREAS the parties, having met and conferred, agree in the interest of efficiency and judicial economy to stay all proceedings in *Stephens* with respect to the Moving Defendants until 30 days after the Court rules on the Motion to Dismiss in *Freeman*, and further agree that after the stay is lifted, service on the Moving Defendants with judicial process in *Stephens* in the manner provided by Federal Rule of Civil Procedure 4 will not be required.

IT IS HEREBY STIPULATED BY AND BETWEEN the undersigned counsel as follows:

1. The undersigned parties agree that all proceedings in *Stephens* with respect to the Moving Defendants, including service of the Complaint, should be stayed until 30 days after the Court rules on the Motion to Dismiss in *Freeman*.
2. The Moving Defendants agree that upon termination of the stay, service on the Moving Defendants with judicial process in *Stephens* in the manner provided by Federal Rule of Civil Procedure 4 will not be required.
3. The Moving Defendants retain all defenses and objections in *Stephens*, except for defenses and objections based on a defect in the summons or in the service of the summons in *Stephens*. The defenses and objections that the Moving Defendants hereby retain include, but are not limited to, defenses and objections related to personal jurisdiction.
4. Following any ruling on the Motion to Dismiss in *Freeman*, the parties will confer in good faith regarding the most fair and efficient way to proceed in light of such ruling, with all parties’ rights in this regard fully reserved.

IT IS FURTHER STIPULATED BY AND BETWEEN the undersigned counsel that except as provided above, nothing in this stipulation shall waive any right or defense of any party, all of which rights and defenses are expressly reserved.

Dated: February 11, 2019

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by



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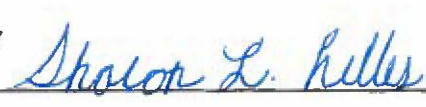


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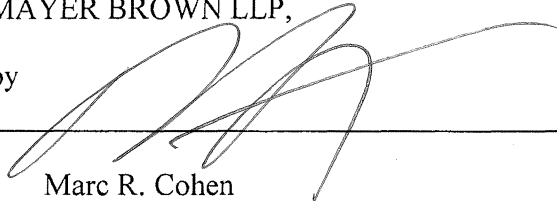


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IT IS SO ORDERED, this ____ day of _____, 2019:

Raymond J. Dearie
United States District Court Judge

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United States District Court Judge